

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Blas LOPEZ-Castro,

Defendant(s)

07 DEC 18 AM 11:30
Magistrate Case No. 07 MJ 2924
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **December 17, 2007**, within the Southern District of California, defendant **Blas LOPEZ-Castro** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Lucila MARTINEZ-Mota** had come to, entered and remained in the United States in violation of law, did transport and move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

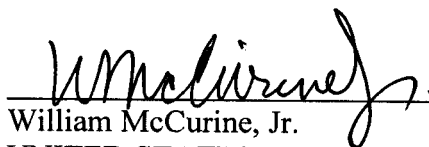


SIGNATURE OF COMPLAINANT

James E. Bailey

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF DECEMBER 2007.



William McCurine, Jr.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Lucila MARTINEZ-Mota** is a citizen of a country other than the United States; that said alien has admitted that she is deportable; that her testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and she is material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 17, 2007 at approximately 1:45 am, Senior Patrol Agent J.Pagan was manning the primary inspection area of the San Clemente Border Patrol Checkpoint, when a silver 2001 Toyota Tacoma approached his position at primary inspection. All checkpoints lights and signs where fully visible and operational when the vehicle approached the checkpoint. Agent Pagan instructed the driver of the vehicle, a subject later identified as the defendant **Blas LOPEZ-Castro** to stop his vehicle at his position using hand signals and he complied. As the vehicle approached the Agent noticed three individuals inside the Toyota Tacoma. The front two occupants seemed interested in why the Agent was stopping them, while the rear passenger began to look away and avoid looking at him. Agent Pagan approached the vehicle and identified himself to the occupants as a Border Patrol Agent and asked the defendant who did the car belong to. The defendant stated that it was his.

Agent Pagan questioned the defendant as to who he was traveling with. The defendant stated that he was traveling with his cousin, later identified as Lucila MARTINEZ-Mota, and his girlfriend. While the questioning was going on, the Agent noticed that MARTINEZ kept avoiding eye contact with him and looking away. The Agent asked all occupants of the vehicle if they had identification with them and if they could present them to him. The defendant and his girl friend immediately complied with his request while MARTINEZ continued to look away and ignore him. The Agent asked the defendant what was wrong with MARTINEZ. He turned to her and asked for her identification. When MARTINEZ handed over her identification card to the defendant, the Agent noticed it was a Mexican Consular Identification Card. Based on that observation the Agent instructed the defendant to drive his vehicle into the secondary inspection area for further questioning.

In secondary Inspection, Senior Patrol Agent Sandoval approached the vehicle, identified himself as a Border Patrol Agent, and questioned the occupants as to their citizenship. The defendant and his girlfriend declared that they are United States citizens. MARTINEZ freely admitted to being a citizen and national of Mexico illegally present in the United States. All three individuals were placed under arrest and transported to the San Clemente Station for processing.

DEFENDANT STATEMENT:

At approximately 5:57a.m the defendant was advised of his Miranda Rights in the Spanish language by Senior Patrol Agent Pagan, as witnessed by Agent Swaine. The defendant stated that he understood his rights and agreed to answer questions without an attorney present.

The defendant stated that he is a citizen of the United States born in Los Angeles, California. He lives in Chula Vista, California. The defendant stated that on December 17, 2007, he encountered Lucila MARTINEZ-Mota at his girlfriend's house. The defendant stated that he engaged in conversation with MARTINEZ about giving her a ride to San Pedro, California. The defendant stated that he has never met or seen MARTINEZ before. He stated that he thought that MARTINEZ was his girlfriend's cousin. He made


CONTINUATION OF COMPLAINT:**Blas LOPEZ-Castro**

arrangements with MARTINEZ to take her to San Pedro, California for enough money to fill up the gas tank of his vehicle. The defendant stated that he was not aware of MARTINEZ' immigration status. He stated that he would take the blame for transporting MARTINEZ and that he should have known better.

MATERIAL WITNESSES STATEMENTS:

MARTINEZ stated that she was driven into the United States from Tijuana, Mexico through the San Ysidro, California Port of Entry. MARTINEZ stated she was seated in the rear passenger compartment of the vehicle. MARTINEZ stated the U.S. Immigration Official did not ask her any questions regarding her citizenship nor did he ask her for any Immigration documents.

Once through the port of entry, MARTINEZ stated she was dropped off at the trolley centered near the San Ysidro, California Port of Entry and told to wait for a another vehicle, which would take her north to Oxnard, California. MARTINEZ stated she waited for approximately half an hour and then a truck pulled up next to her. The driver of the vehicle waved to her using his hand. MARTINEZ states she went up to the vehicle and the driver signaled for her to get into the vehicle using his hand. MARTINEZ stated she got in the vehicle. MARTINEZ stated the driver did not ask her anything. MARTINEZ stated neither the driver nor the passenger conversed with her.

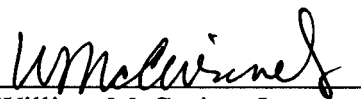


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